

Paper No. 625
Disposes Defense
Application in re:
Dismissal.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al)	ORDER:
- vs -)	GRANTING APPLICATION
)	OF THE ACCUSED FOR
ARAKI, Sadao; et al)	LEAVE TO APPLY FOR
)	DISMISSAL OF THE CASE.

This matter coming on for further hearing by the Tribunal, in Open Court, on the 24th day of December, 1946, upon the oral application of the Prosecution heretofore made in Chambers, for an Order of the Tribunal granting to the Accused leave to apply to dismiss the indictment or certain counts therein as against the respective Accused at the end of the Prosecution's case in chief, and for leave to present to the Tribunal a consolidated application to dismiss the case on behalf of all the Accused, and present individual motions to dismiss on behalf of each of the Accused respectively; and the Tribunal hearing the arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal, and is

ORDERED: That at the close of the case in chief for the Prosecution the Tribunal will be prepared to entertain any motion the Defense may care to make to dismiss the case on some or all of the counts on the ground that there is not sufficient evidence to warrant a conviction; and it is further

ORDERED: That there may be one general motion on behalf of all of the Accused, and in addition thereto there may be one specific motion for each of the individual Accused; and it is further

ORDERED: That the Accused will reduce to writing their motions and arguments in each instance and serve copies thereof upon the Prosecution, and the Prosecution shall do likewise as to their arguments if they choose to oppose the motions, so that in each case there may be simultaneous translations.

Dated at Tokyo, Japan, this 27 December 1946.

BY THE TRIBUNAL:

(Signed) W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Roling